

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAY 22 1998

In the Matter of)
)
Advanced Television Systems and)
Their Impact upon the Existing)
Television Broadcast Service)

RM No.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

RM-9260

TO: The Commission

COMMENTS OF PRESS COMMUNICATIONS LLC

1. Press Communications LLC ("Press") hereby submits its Comments with respect to the Petition for Rule Making submitted by the Community Broadcasters Association ("CBA") on September 30, 1997. ^{1/}

2. In its Petition, the CBA urges the Commission to create a new "Class A" television station class which would be "made available" to qualified low power television ("LPTV") stations. Under the proposal, Class A stations would be regulated under Part 73 of the rules and would be afforded "primary spectrum user status as against all but full power television stations authorized as of the date of [the CBA] petition." CBA Petition at 1. According to the CBA, such a new class is necessitated by the "threat of displacement and silencing of LPTV stations" as an anticipated result of the conversion of full service television stations to digital service. Id. at 2.

3. Press is not unsympathetic to the plight of LPTV operators who face possible displacement. But that plight cannot

^{1/} CBA amended its proposal in certain respects in an Amendment to its petition filed on March 18, 1998.

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be said to be unforeseen or unforeseeable. Indeed, since its inception some 15 years ago, the LPTV service has consistently been treated as a secondary service, subject to interference from, and displacement by, full service operations. In seeking LPTV authorizations, every LPTV licensee understood and accepted that displacement and discontinuation were both possible fates for their operations. No one -- and especially not the Commission -- offered LPTV operators any indication that theirs would be anything but a secondary service.

4. Because of that, the CBA's insistence that some (but not necessarily all) LPTV operators immediately be raised to the ranks of primary full service stations (albeit with low power) is difficult to accept.

5. This is especially so in view of the present state of the Commission's regulation of the television spectrum. There are at least two announced amendments to those regulations which will, to a certainty, seriously limit spectrum for broadcast television operations. First and most obviously, the Commission has recently removed Channels 60-69 from the broadcast television table. That action has reduced by more than 10% the spectrum presently allocated for television broadcast use. Second, the Commission has allocated each existing full service television station a second DTV channel. So not only has the overall television spectrum been reduced by more than 10%, but the use of that reduced spectrum by full service stations has been doubled. That fact alone should deter the Commission from doling out

increasingly scarce television spectrum for use by low power operators.

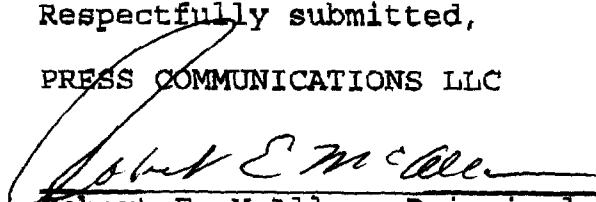
6. But at least one other factor looms large here: the unknown and presently unknowable technical problems which may be encountered in the conversion of full service television to digital. While various test results and theoretical studies may be available to the Commission and the industry relative to such potential problems, the fact is that no one can really say for sure exactly how digital broadcasting will work in the real world, and particularly whether interference levels can be controlled with the technical regulations currently contemplated by the Commission. It may be that digital as the Commission has presently configured it will work fine, and that the Commission and the industry will therefore have a workable set of technical criteria and a firm fix on how the spectrum can and should be used.

7. But the Commission may just as easily find that not to be the case. And if the actual operation of digital services gives rise to significant technical problems, it is virtually certain that the Commission will need to revise its methods of spectrum utilization in order to resolve those problems. In that case, it would behoove the Commission to have as much spectrum as possible with which to work. In other words, as a matter of simple prudence, the Commission should avoid unnecessarily restricting the options which would be available to it in the unfortunate event that digital television technical

specifications, as presently conceived, don't work. The CBA's proposal runs directly contrary to simple prudence in that regard.

8. In view of the foregoing, Press believes that the Commission should reject -- certainly for the foreseeable future -- the CBA's proposal. There may come a time at which the spectrum allocation situation is sufficiently clear and established that Commission resources may properly be devoted to assisting secondary services to upgrade themselves. Now is not the time. The spectrum allocation situation is in flux, and neither the Commission nor the full service television industry -- both of which are already confronted with vast and uncertain changes -- cannot and should not be limited in any way in their ability to effectuate those changes with as little possible disruption to the public, the Commission and the affected industry.

Respectfully submitted,
PRESS COMMUNICATIONS LLC



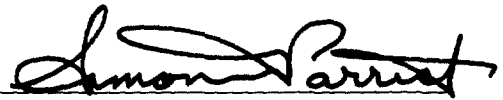
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May 22, 1998

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May, 1998, I caused a copy of the foregoing document to be sent via United States Postal Service First-Class Mail, postage pre-paid, to the individuals listed below.

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